

[FR Doc. 95-23472 Filed 9-20-95; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5300-9]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of a site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of NAS Whidbey Seaplane Base, located on Whidbey Island, Washington from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Washington have determined that no further cleanup under CERCLA is appropriate and that the selected remedy has been protective of public health, welfare and the environment.

EFFECTIVE DATE: September 21, 1995.

FOR FURTHER INFORMATION CONTACT: R. Matthew Wilkening, Site Manager, U.S. Environmental Protection Agency, Region 10, 1200 6th Avenue, HW-124, Seattle, WA 98101, (206) 553-1284.

Engineering Field Activity, NW (primary Admin. Record location) Naval Facilities Engineering Command, 19917 7th Ave. Poulsbo, Washington

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is NAS Whidbey Seaplane, Whidbey Island, Washington.

A Notice of Intent to Delete for this site was published July 17, 1995 in Federal Register [60 FR 36770]. The closing date for comments on the Notice of Intent to Delete was August 31, 1995. EPA received no comments.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for remedial actions in the unlikely event that conditions at the site warrant such action in the future. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and record keeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 12, 1995.
Chuck Clarke,
Regional Administrator, USEPA Region 10.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp. p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 2 of Appendix B to part 300 is amended by removing the site NAS Whidbey Seaplane Base, Whidbey Island, Washington.

[FR Doc. 95-23438 Filed 9-20-95; 8:45 am]
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40 CFR Part 799

[OPPTS-42111F, FRL 4927-8]

RIN NO. 2070-AB94

Withdrawal of Certain Testing Requirements for Office of Water Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending the final test rule for the Office of Water Chemicals by rescinding the 90-day subchronic testing requirement for 1,1,2,2-tetrachloroethane and the 90-day and 14-day testing requirements for 1,1-dichloroethane. The testing requirements are being rescinded because the Agency has received data adequate to meet the data needs for which the test rule was promulgated. **DATES:** This amendment shall become effective on November 6, 1995. In accordance with 40 CFR 23.5, this rule shall be promulgated for purposes of judicial review at 1 p.m. eastern (daylight or standard as appropriate) time on October 5, 1995.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division

(7408), Office of Pollution Prevention and Toxics, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551, Internet address: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA is amending the final test rule for the Office of Water Chemicals in 40 CFR 799.5075 by rescinding: (1) the 90-day subchronic testing requirement for 1,1,2,2-tetrachloroethane, (2) the 90-day testing requirements for 1,1-dichloroethane, and (3) the 14-day testing requirements for 1,1-dichloroethane.

I. Background

In the Federal Register of April 10, 1995 (60 FR 18079), EPA proposed rescinding the 90-day subchronic testing requirement for 1,1,2,2-tetrachloroethane and the 90-day and 14-day testing requirements for 1,1-dichloroethane. The rule establishing these testing requirements was promulgated pursuant to TSCA section 4(a), and published in the Federal Register on November 10, 1993 (58 FR 59667).

The reasons for the proposal were that data had become available for these substances which, after review by EPA, were adjudged to be adequate to meet the data needs for which the test rule for these substances was promulgated, the establishment of Health Advisories for the Office of Water. The final test rule for Drinking Water Contaminants Subject to Testing ("the Office of Water Chemicals test rule") which EPA is now amending, is codified in 40 CFR 799.5075.

II. Public Comments

EPA received only one public comment during the public comment period. This comment, from the ODW Chemicals Task Force of Washington, D.C., agreed with the Agency proposal.

III. Amended Testing Requirements

The Office of Water Chemicals test rule at 40 CFR 799.5075 is amended to delete the 90-day subchronic testing requirement for 1,1,2,2-tetrachloroethane and the 14-day and 90-day testing requirements for 1,1-dichloroethane. Specifically, parties subject to the test rule will no longer have to comply with 40 CFR 799.5075(a)(1), (c)(1)(i)(A) and (c)(2)(i)(A).

IV. Economic Analysis

Eliminating these testing requirements will reduce testing costs. Therefore, this amendment should not cause adverse economic impact.

V. Rulemaking Record

EPA has established a docket for this rulemaking (docket number OPPTS-42111F). This docket contains the basic information considered by EPA in developing this rule, appropriate Federal Register notices, and the comment received on the proposal. The rulemaking record includes the following:

- (1) Halogenated Solvents Industry Alliance (HSIA). Letter from Peter Voytek, Ph.D. to Connie Musgrove, USEPA entitled; Request for Modification of Study Requirements (June 28, 1994).
- (2) National Institute of Environmental Health Sciences (NIEHS). Letter from William Eastin, Ph.D. to Roger Nelson, USEPA (July 7, 1994) with two attachments:
 - (a) Pathco. "Chairperson's Report Structure Activity Relationship Studies of Halogenated Ethane-Induced Accumulation of Alpha-2U-Globulin in the Male Rat Kidney: Part A, B, C, - Studies Conducted in F344 Rats at Microbiological Associates."
 - (b) Microbiological Associates, Inc. Final Report -Study Nos. 03554.11 - 03554.12. 1,1,2,2-Tetrachloroethane (TCE).
- (3) USEPA. Memorandum from Bruce Mintz to Roger Nelson "Request for Office of Water Recommendation for Approval/Disapproval of June 28, 1994 HSIA Request for Modification of Test Standards for 1,1-Dichloroethane and 1,1,2,2-Tetrachloroethane." (Office of Water Test Rule).
- (4) Voytek, P. Note (Fax) to Roger Nelson entitled "Preliminary Testing of 1,1-Dichloroethane in Drinking Water." (Aug 3, 1994).
- (5) Unpublished. "Original Draft of Report to EPA HERL, Cincinnati in 1986" - James V. Bruckner, Ph.D. (Undated).
- (6) Muralidhara, S., R. Ramanathan, C.E. Dallas and J.V. Bruckner. "Acute, Subacute and Subchronic Oral Toxicity Studies of 1,1-Dichloroethane (DCE) in Rats." *Society of Toxicology Abstract* (1986).
- (7) USEPA. Memorandum from Krishan Khanna to Roger Nelson "Review of 1,1-Dichloroethane (DCE) Data (TSCA Test Rule for Office of Water Chemicals)." November 15, 1994.
- (8) ODW Chemicals Task Force. Letter to TSCA Documents Receipt Office, Re: OPPTS-42111E. May 10, 1995.
- (9) USEPA. Office of Water Chemicals; Final Test Rule. 58 FR 59667, November 10, 1993.
- (10) USEPA. Test Rule; Office of Water Chemicals Proposed Withdrawal of Certain Testing Requirements. 60 FR 18079, April 10, 1995.

VI. Public Docket

The docket for this rulemaking is available for inspection from 12 noon to 4 p.m., Monday through Friday, except legal holidays. The TSCA Public Docket Office, is located in Room B-607 Northeast Mall, 401 M St., SW., Washington, D.C. 20460.

VII. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action that is likely to result in a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, it has been determined that this rule is not "significant" and is therefore not subject to OMB review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), I certify that this test rule would not have a significant impact on a substantial number of small businesses because the amendment would relieve a regulatory obligation to conduct certain chemical tests.

C. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub.L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may

result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. This rule reduces enforceable duties on any of these governmental entities or the private sector by revoking rules requiring testing.

D. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this proposed test rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., and has assigned OMB Control number 2070-0033. This rule would reduce the public reporting burden associated with the testing requirement under the final test rule. A complete discussion of the reporting burden is contained at 58 FR 59680, November 10, 1993.

List of Subjects in 40 CFR Part 799

Chemicals, Chemical export, Environmental protection, Hazardous substances, Health effects, Laboratories, Provisional testing, Reporting and recordkeeping requirements, Testing, Incorporation by reference.

Authority: 15 U.S.C. 2603.

Dated: September 12, 1995.

Lynn R. Goldman,

*Assistant Administrator for Prevention,
Pesticides and Toxic Substances.*

Therefore, 40 CFR chapter I, subchapter R, part 799 is amended as follows:

PART 799 — [AMENDED]

1. The authority citation for part 799 continues to read as follows:
Authority: 15 U.S.C. 2603, 2611, 2625.

2. In § 799.5075 by revising paragraphs (a)(1), (c)(1)(i)(A), (c)(2)(i)(A) and (d)(1) to read as follows:

§ 799.5075 Drinking water contaminants subject to testing.

(a) * * *

(1) Chloroethane (CAS No. 75-00-3), 1,1,2,2-tetrachloroethane (CAS No. 79-34-5), and 1,3,5-trimethylbenzene (CAS No. 108-67-8) shall be tested as appropriate in accordance with this section.

* * * * *

(c) * * *

(1) * * *

(i) * * *

(A) An oral 14-day repeated dose toxicity test shall be conducted with chloroethane, 1,1,2,2-tetrachloroethane, and 1,3,5-trimethylbenzene in accordance with § 798.2650 of this chapter except for the provisions in § 798.2650(a); (b)(1); (c); (e)(3), (4)(i), (5), (6), (7)(i), (iv), (v), (8)(vii), (9)(i)(A), (B), (11)(v); and (f)(2)(i). Each substance shall be tested in one mammalian species, preferably a rodent, but a non-rodent may be used. The species and strain of animals used in this test should be the same as those used in the 90-day subchronic test required in paragraph (c)(2)(i) of this section. The tests shall be performed using drinking water. However, if, due to poor stability or palatability, a drinking water test is not feasible for a given substance, that substance shall be administered either by oral gavage, in the diet, or in capsules.

* * * * *

(2) * * *

(i) * * *

(A) An oral 90-day subchronic toxicity test shall be conducted with chloroethane and 1,3,5-trimethylbenzene in accordance with § 798.2650 of this chapter except for the provisions in § 798.2650(e)(3), (7)(i), and (11)(v). The tests shall be performed using drinking water. However, if, due to poor stability or palatability, a drinking water test is not feasible for a given substance, that substance shall be

administered either by oral gavage, in the diet, or in capsules.

* * * * *

(d) *Effective date.* (1) This section is effective on December 27, 1993, except for paragraphs (a)(1), (c)(1)(i)(A), and (c)(2)(i)(A). Paragraphs (a)(1), (c)(1)(i)(A), and (c)(2)(i)(A) are effective on November 6, 1995.

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[FR Doc. 95-23461 Filed 9-20-95; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43-CFR Public Land Order 7160

[CO-935-1430-01; COC-55991]

Withdrawal of National Forest System Lands for Telluride Ski Area; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 4,000 acres of National Forest System lands from mining for 50 years to protect recreational resources and facilities at the Telluride Ski Area. These lands have been and will remain open to such forms of disposition as may by law be made of National Forest System lands and to mineral leasing. **EFFECTIVE DATE:** September 21, 1995. **FOR FURTHER INFORMATION CONTACT:** Doris Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215-7076, 303-239-3706.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System lands are hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), for protection of facilities and resources at the Telluride Ski Area:

Uncompahgre National Forest
New Mexico Principal Meridian

T. 42 N., R. 9 W.,

Sec. 1, lots 2, 3, 4, 6, 7, and 8, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;

Sec. 2, lots 1, 2, 3, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Sec. 4, lot 2;

Sec. 9, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;

Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 11;

Sec. 12, W $\frac{1}{2}$;

Sec. 13, W $\frac{1}{2}$;

Sec. 14;

Sec. 15, E $\frac{1}{2}$ and NW $\frac{1}{4}$;

Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 23, N $\frac{1}{2}$;

Sec. 24, NW $\frac{1}{4}$.

T. 43 N., R. 9 W.,

Sec. 33, lots 18, 19, and 20;

Sec. 34, lots 17, 18, 22, 23, and 24;

Sec. 35, lots 28, 29, 30, 31, and 32.

The areas described aggregate approximately 4,000 acres of National Forest System lands in San Miguel County. This withdrawal includes all National Forest System lands and excludes any privately owned lands within the described areas.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of National Forest System lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 50 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: September 5, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95-23365 Filed 9-20-95; 8:45 am]

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43 CFR Part 1820

[WO-420-4191-02-24 1A]

RIN 1004-AC41

Application Procedures, Execution and Filing of Forms: Correction of State Office Addresses for Filings and Recordings, Proper Offices for Recording of Mining Claims

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This administrative final rule amends the regulations pertaining to execution and filing of forms in order to reflect the new address of the Wyoming State Office of the Bureau of Land Management (BLM), which moved in September 1995. All filings and other documents relating to public lands in Wyoming and Nebraska must be filed at the new address of the State Office.

EFFECTIVE DATE: October 1, 1995.

FOR FURTHER INFORMATION CONTACT: Ted Hudson, (202) 208-4256.